

Appl. No. 10/604,798  
Amdt. dated October 28, 2004  
Reply to Office action of August 16, 2004

**REMARKS/ARGUMENTS**

Claims 1-5 are rejected under 35 U.S.C. 102(b) because of U.S. Pat. No. 5,761,121 to Chang.

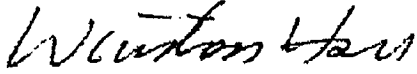
- 5 In reply to this, claim 1 has been amended as set forth in the above amendment section. No new matter is introduced. The Examiner alleges that in col. 3, lines 6-39 of U.S. Pat. No. 5,761,121 Chang discloses that a control gate is omitted in his design of EPROM cell. However, this is respectfully disagreed with because Chang's EPROM cell effectively requires a control gate. Please see col. 3, lines 17-21, and FIGS 1 and 2,
- 10 Chang teaches "A P-type buried diffusion layer 36 serves as the control gate of cell 10 (FIGS. 1 and 2). A contact region 38 is opened in floating gate 26 and in a layer of oxide 40 interposed between floating gate 26 and control gate 36 to enable electrical contact with buried control gate 36". As can be seen in Table 1 of the cited patent, a voltage of 5-15V is applied to the control gate, i.e., the buried control gate 36 of the cell, in order to
- 15 implement the program mode. Chang does not teach anything about omitting a control gate in his EPROM cell.

As claims 2-5 are dependent upon the amended claim 1, they should be allowable if claim 1 is allowed. Réconsideration of claims 2-5 is therefore politely requested.

- In light of the above, Applicants believe that the limitation "a control gate or
- 20 buried control gate capacitively coupled to said floating gate is omitted" as required by the amended claim 1 is not taught in the cited U.S. Pat. No. 5,761,121. A timely Notice of Allowance is therefore requested.

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Sincerely yours,

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15